

PRIORITY SEND

JS-6

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES -- GENERAL

Case No. EDCV 14-00697-VAP (SPx)

Date: June 11, 2014

Title: MARIA JUAREZ -v- SCHNEIDER NATIONAL, INC., et al.

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PRESENT: HONORABLE VIRGINIA A. PHILLIPS, U.S. DISTRICT JUDGE

Marva Dillard
Courtroom Deputy

None Present
Court Reporter

ATTORNEYS PRESENT FOR
PLAINTIFFS:

None

ATTORNEYS PRESENT FOR
DEFENDANTS:

None

PROCEEDINGS: ORDER (1) SUA SPONTE DISMISSING COMPLAINT FOR
FAILURE TO COMPLY WITH RULE 8, (2) DENYING
MOTION TO REMAND (DOC. NO. 7) AS MOOT, (3)
VACATING JUNE 9, 2014 HEARING (IN CHAMBERS)

Before the Court is a Motion to Remand (Doc. No. 7) filed by Plaintiff Maria Juarez ("Juarez"). For the reasons stated below, the Court DISMISSES Juarez's Complaint for failure to Comply with Federal Rule of Civil Procedure 8, and DENIES the Motion to Remand as MOOT. The hearing on the Motion set for June 9, 2014 is VACATED.

Juarez originally filed her Complaint in the Superior Court for the State of California, County of San Bernardino on November 25, 2013. (Not. of Removal (Doc. No. 1) Ex. B ("Complaint").) Defendants Schneider National, Inc., Schneider Logistics, Inc., and Schneider Logistics Transload (collectively, "Schneider") removed the action to this Court on April 9, 2014 after being served with the

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Complaint on March 10, 2014. (Not. of Removal at 1.) None of the remaining Defendants -- Hugo Guerro, Lupe Delgado, Cynthia Gonzalez, and Robert Hill (collectively, "the individual Defendants") -- been served. (Id. at 2.)

The Complaint contains nine claims: (1) discrimination (against Schneider); (2) harassment (against all Defendants); (3) retaliation (against Schneider); (4) failure to prevent retaliation, discrimination, or harassment (against Schneider); (5) violation of the Family Medical Leave Act and California Family Rights Act (against Schneider); (6) failure to accommodate (against Schneider); (7) failure to engage in the good faith interactive process (against Schneider); (8) wrongful termination in violation of public policy (against Schneider); (9) intentional infliction of emotional distress (against all Defendants).¹

Juarez filed the Motion to Remand on May 7, 2014. On May 19, 2014, Schneider filed an Opposition. (Doc. No. 10.)

Upon examination of the Complaint, the Court finds that it does not comply with the requirements of Federal Rule of Civil Procedure 8, and will sua sponte dismiss the Complaint with leave to amend on that basis.

"The court may *sua sponte* dismiss a complaint for failure to comply with Rule 8. Rule 8 mandates that a complaint include a 'short and plain statement of the claim,' and that 'each allegation must be simple, concise, and direct.'" Ball v. Tate-Ball, 2011 WL 2457664, at *1 (D. Haw. June 16, 2011) (internal citations omitted). Put another way, "[u]nder Rule 8(a), the plaintiff must 'give the defendant fair notice of what the . . . claim is and the grounds upon which it rests.' Dismissal under Rule 12(b)(6) is appropriate only where the complaint lacks a cognizable legal theory or sufficient facts to support a cognizable legal theory." Mendiondo v. Centinela Hosp. Med. Ctr., 521 F.3d 1097, 1104 (9th Cir. 2008) (internal citations omitted).

Here, the Complaint makes no specific allegations about the conduct of any of

¹ The numbering of the claims in the Complaint omits numbers eight and nine.

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the individual Defendants; rather, the Complaint only alleges that the individual Defendants generally subjected her to harassment and emotional distress. For example, as to Defendant Hugo Guerro, the Complaint only states "Defendant HUGO GUERRO, is an individual, of unknown residence, was, at all relevant times, a manager/supervisor of Plaintiff, and is thereby subject to the jurisdiction of the State of California and of this court and its judicial district." (Compl. ¶ 3.) There are no specific allegations about Guerro's conduct; indeed, he is not mentioned in the Complaint at all after this paragraph. This runs afoul of the Rule 8's requirement that the Complaint contain a short and plain statement of the nature of the claims and the grounds upon which those claims rest.

Accordingly, the Court dismisses Juarez's Complaint with leave to amend. The amended complaint filed by Juarez should contain a short and plain statement detailing the grounds upon which the claims against each Defendant rests. Any amended complaint should be filed within 10 days of the entry of this order.²

IT IS SO ORDERED.

² Juarez may re-file her motion to remand after the filing of the amended complaint.